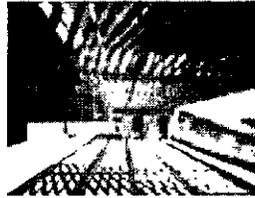
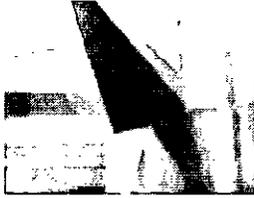


**AGENDA**



**Thursday, April 23, 2009**

The Austin City Council will convene at 10:00 AM on  
Thursday, April 23, 2009 at Austin City Hall  
301 W. Second Street, Austin, TX

AUSTIN CITY CLERK  
POSTING: DATE/TIME

2009 APR 17 PM 4 45



**Mayor Will Wynn**  
**Mayor Pro Tem Brewster McCracken**  
**Council Member Lee Leffingwell, Place 1**  
**Council Member Mike Martinez, Place 2**  
**Council Member Randi Shade, Place 3**  
**Council Member Laura Morrison, Place 4**  
**Council Member Sheryl Cole, Place 6**

For meeting information, contact City Clerk, 974-2210

*The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.*

## **Reading and Action on Consent Agenda**

### **Action on the Following:**

#### **Ordinances / Resolutions / Motions -**

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

### **9:55 AM -- Invocation**

Rev. Daniel Liu, Associate Pastor, St. Mary Cathedral

### **10:00 AM -- City Council Convenes**

#### **Approval of Minutes**

1. Approve the minutes of the Austin City Council Regular April 2, 2009 and April 13, 2009 Special meetings.

#### **Austin Water Utility**

2. Approve a resolution to repeal Resolution No. 20050428-011 relating to the City's drought contingency plan and adopting a new plan. The plan is a requirement of the Texas Commission on Environmental Quality (TCEQ). There is no unanticipated fiscal impact. Recommended by Citizen's Water Conservation Implementation Task Force and Water & Wastewater Commission. To be reviewed by the Resource Management Commission on April 21, 2009.

#### **City Clerk**

3. Approve an ordinance amending Exhibits A, B, C, and D of Ordinance No. 20090129-003 calling the May 9, 2009 General and Special Municipal Election to adopt changes to election day polling place locations, the list of election day precinct judges, early voting polling locations, and the list of central counting station judges.

#### **Contract and Land Management**

4. Authorize the fee simple acquisition of Lot 6, Block 1, of Bergstrom Downs No. 1, locally known as 812 Patton Ave, from JOSE and SOFIA A. RIOS BARAJAS for the Airport Noise Mitigation Program, in the amount of \$133,000 for the land and improvements and \$32,000 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$175,000. Funding is available in the

Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.

5. Authorize the fee simple acquisition of Lot 9, Block 2, of Bergstrom Downs No. 1, locally known as 807 Patton Ave, from BARBARA JOYCE HENDERSON for the Airport Noise Mitigation Program, in the amount of \$100,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$110,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
6. Authorize the fee simple acquisition of Lot 11, Block 2, Bergstrom Downs No. 1, locally known as 803 Patton Avenue, from JACQUELINE WHITBY, TRAVIS JOHN WHITBY II, ROSE WHITBY, MATTHEW WHITBY, and LILLIAN TORRES, Heirs/Successors of the ESTATE OF JULIE WHITBY, for the Airport Noise Mitigation Program, in the amount of \$104,000 for the land and improvements and \$46,000 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$160,000. Funding is available in Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
7. Authorize the fee simple acquisition of 12,628 square feet for right-of-way and 28,275 square feet for a drainage sedimentation filtration easement out of the Theodore Bissel Survey No. 18, Abstract No.3 being a portion of Lot 20, Block F, Cherry Creek, Section 9-D1, a subdivision according to the plat of record in Book 86, Page 18D and 19A, located at 8701 West Gate Boulevard, from WILLIAM HOWELL AND WESLEY PEOPLES, for the West Gate Boulevard Project in an amount not to exceed \$132,016. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department.
8. Approve an ordinance repealing Ordinance No. 20090326-014, vacating the 3,042 square foot right of way at the intersection of Gaston Avenue and Wooldridge Drive, adjacent to 2518 Wooldridge Drive. There is no unanticipated fiscal impact. A fiscal note is not required.
9. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County for construction of a 48-inch water transmission main (Segment 20 of the South IH-35 Water and Wastewater Improvements Program) as part of the County's McKinney Falls Parkway Improvements Project, from East William Cannon Drive to Thaxton Road, in an amount not to exceed \$4,750,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by Water and Wastewater Commission.
10. Authorize execution of a contract through the TCPN, The Cooperative Purchasing Network, with KELLOGG, BROWN & ROOT SERVICES (KBR), Austin, TX, for the purchase of services related to the repair and interior renovation of the Howson Branch Library in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Library Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
11. Authorize execution of Change Order #4 to the construction contract with KEYSTONE CONSTRUCTION, INC., AUSTIN, TX for the ACWP Upper Tannehill Interceptor Overflow Abatement Project in the amount of \$98,216 for a total contract amount not to exceed \$2,952,482. Funding in the amount of \$98,216 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 18.13% MBE and 5.92% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.

12. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, Austin, Texas (MBE/MH 53.39%) for Group 1 Street Reconstruction and Utility Adjustment for Oak Plantation Subdivision Phase 2, an Accelerate Austin project, in the amount of \$1,014,671, plus a \$50,733.55 contingency, for a total contract amount not to exceed \$1,065,404.55. Funding in the amount of \$822,249.75 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Funding in the amount of \$243,154.80 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of twelve (12) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 30.02% MBE and 6.24% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
13. Authorize execution of a construction contract with PATIN CONSTRUCTION, LLC, Hutto, TX, for the 23rd Streetscape Improvements in the amount of \$780,631, plus a \$39,031.55 contingency, for a total contract amount not to exceed \$819,662.55. Funding in the amount of \$168,393.75 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Funding in the amount of \$651,268.80 is available in the Fiscal Year 2008-2009 Capital Budget of the Neighborhood Planning and Zoning Department. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 10.38% MBE and 0.64% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
14. Authorize execution of a construction contract with NATIONAL POWER RODDING CORPORATION, Chicago, IL, for the Canterbury, Highway, and Bergstrom Sites Shafts and Lateral Repair Project in an amount of \$4,465,197.04 plus a \$446,519.70 contingency, for a total contract amount not to exceed of \$4,911,716.74. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.41 % MBE and 3.77 % WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
15. Authorize execution of a construction contract with T. MORALES COMPANY ELECTRIC AND CONTROLS, LTD, (MBE/FH, 51.94%), Florence, TX., for Walnut Creek Wastewater Treatment Plant Electrical Distribution Improvements, Phase 2 in the amount of \$19,905,650 of which, \$4,217,000 are alternate bid items, plus a \$995,282 contingency, for a total contract amount not to exceed \$20,900,932. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of three (3) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 2.61% MBE and 2.08% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
16. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC, (MBE/MH 51.22%), Austin, TX for Indefinite Delivery/Indefinite Quantity (IDIQ) Bike Project 2009 in the amount of \$643,248 plus a \$64,325 contingency, for a total contract amount not to exceed \$707,573. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.69% MBE and 4.37% WBE subcontractor participation.
17. Authorize execution of a construction contract with SISK-ROBB, INC., Leander, TX for the Onion Creek Flood Hazard Mitigation project in an amount not to exceed \$556,300. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed

Protection and Development Review Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

18. Authorize execution of a construction contract with JO'B SITE CONSTRUCTION LLC, Round Rock, TX., for the Lundelius McDaniel Tract Water Quality Retrofit in the amount of \$716,991.03, plus a \$35,849.55 contingency, for a total contract amount not to exceed \$752,840.58. Funding is included in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Lowest qualified bid of eleven (11) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 25.40% MBE and 36.61% WBE subcontractor participation. The SOS Amendment was recommended by the Environmental Board, Codes and Ordinances Committee and the Planning Commission. The zoning change was recommended by the Zoning and Platting Commission.
19. Authorize negotiation and execution of Supplemental Amendment 3 to the professional services agreement with HARUTUNIAN ENGINEERING, INC., (WBE/FW-85.63%), Austin, TX, for construction phase engineering services for the Walnut Creek Wastewater Treatment Plant Electrical Distribution Improvements, Phase 2 project in the amount of \$1,937,700 for a total contract amount not to exceed \$7,168,659.91. Funding in the amount of \$1,937,700 is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.56% MBE and 1.32% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.
20. Authorize negotiation and execution of a professional services agreement with CAMP DRESSER & MCKEE, INC., Austin, TX, for engineering services for Austin-Bergstrom International Airport Stormwater Drainage Master Plan Update in an amount not to exceed \$300,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Aviation Department. Best qualification statement of fourteen (14) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subconsultant participation. Recommended by the Austin Airport Advisory Commission.
21. Authorize negotiation and execution of a professional services agreement with MALCOLM PIRNIE, INC., Austin, TX, for engineering services for Austin Water Utility (AWU) Infrastructure Asset Management System in an amount not to exceed \$2,000,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Best qualification statement of four (4) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subconsultant participation. Recommended by the Water and Wastewater Commission.
22. Authorize negotiation and execution of a professional services agreement with one of the following firms: ACP VISIONING & PLANING, LTD, New York, NY (staff recommendation); WALLACE ROBERTS & TODD, LLC, Philadelphia, PA; or HNTB CORPORATION, Austin, TX to provide professional planning services for the Comprehensive Plan for the City of Austin, in an amount not to exceed \$1,300,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Neighborhood Planning and Zoning Department. Best qualification statement of six (6) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subconsultant participation.

## **Emergency Medical Services**

23. Approve negotiation and execution of an Interlocal Agreement between the City and the Travis County Healthcare District (District) to provide ground emergency medical services to District's eligible Medical Assistance Program (MAP) beneficiaries for a fee of \$350,000 for an initial term of one year beginning on March 1, 2009, with an option to renew for an additional seven month term. Related to Items #27, 28 & 30.

## **Health and Human Services**

24. Authorize negotiation and execution of Amendment No. 3 to the Interlocal Agreement between the City and AUSTIN COMMUNITY COLLEGE for child care quality improvement and training services to increase the contract amount for the Fiscal Year 2008-2009 by \$4,146, for a total contract amount not to exceed \$172,079, with two remaining 12-month renewal options in an amount not to exceed \$172,079 for each renewal term, for a total contract amount not to exceed \$684,170. Funding in the amount of \$4,146 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. The period of the amended Agreement is October 1, 2008 through September 30, 2009. Funding for the extension options is contingent on available funding in future budgets.
25. Authorize negotiation and execution of a Memorandum of Cooperation between the City and PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT (PISD) to waive the temporary food event permit fee for events sponsored by school-related nonprofit entities on a PISD school campus within the City limits of Austin, for the period through the end of the 2008-2009 academic year, with annual renewal options for future academic years. The estimated fiscal impact is a \$1,000 loss in revenue.
26. Approve an ordinance accepting \$145,549 in grant funds from the Texas Department of State Health Services, Tobacco Community Coalition Program; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$145,549 for the Tobacco Prevention and Control Coalition Program to prevent and reduce the use of illegal or harmful tobacco products with emphasis on reduction in youth use. Funding in the amount of \$145,549 is available from the Texas Department of State Health Services, Tobacco Community Coalition Program. The grant period is September 1, 2008 through August 31, 2009. An additional City match of \$29,295 is required.
27. Authorize negotiation and execution of an agreement between the City and CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC. to provide medical services to patients of David Powell Community Health Center under the City's Ryan White Part A HIV Emergency Relief Project grant, in an amount not to exceed \$628,820 for a five-month term beginning March 1, 2009, with one seven-month renewal option in an amount not to exceed \$859,364, and one 12-month renewal option in an amount not to exceed \$1,488,184, for a total contract amount of \$2,976,368. Funding in the amount of \$628,820 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Part A HIV Emergency Relief Project grant program with the balance contingent upon receipt of a revised grant award. The agreement period is March 1, 2009 to July 31, 2009. The grant period is March 1, 2009 to February 28, 2010. Related to Items #23, 28 & 30.
28. Approve negotiation and execution of an agreement between the City and Central Texas Community Health Centers, Inc. to provide medical services to patients of the David Powell Community Health Center under the City's Ryan White Part C Early Intervention Services grant program, for a four-month term beginning on March 1, 2009, in an amount not to exceed \$163,212, with one six-month renewal option in an amount not to exceed \$244,819, and two 12-month renewal options in an amount not to exceed \$489,637 for each renewal term, for a total contract amount not to exceed \$1,387,305. Funding in the amount of \$163,212 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Part C Early Intervention Services program with the balance contingent

upon receipt of a revised grant award. The contract period is March 1, 2009 to June 30, 2009. The grant period is January 1, 2009 to December 31, 2009. Related to Items #23, 27 & 30.

29. Authorize negotiation and execution of four contracts, each for a five-month term beginning March 1, 2009, for the delivery of Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) related services with the following providers: AIDS SERVICES OF AUSTIN, INC., in an amount not to exceed \$321,089, with one seven-month renewal option in an amount not to exceed \$470,978 and one 12-month renewal option in an amount not to exceed \$792,067, for a total contract amount not to exceed \$1,584,134; AUSTIN TRAVIS COUNTY MENTAL HEALTH RETARDATION, in an amount not to exceed \$157,585, with one seven-month renewal option in an amount not to exceed \$231,150 and one 12-month renewal option in an amount not to exceed \$388,735, for a total contract amount not to exceed \$777,470; PROJECT TRANSITIONS, INC., in an amount not to exceed \$27,000 with one seven-month renewal option not to exceed \$39,603 and one 12-month renewal option in an amount not to exceed \$66,603, for a total contract amount not to exceed \$133,206; and THE WRIGHT HOUSE WELLNESS CENTER, INC., in an amount not to exceed \$37,947 with one seven-month renewal option in an amount not to exceed \$55,660 and one 12-month renewal option in an amount not to exceed \$93,607, for a total contract amount not to exceed \$187,214. Funding in the amount of \$543,621 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund Ryan White Part A HIV Emergency Relief Project. The grant period is March 1, 2009 through February 28, 2010. Funding for the renewal options is contingent upon available funding.

#### **Management Services**

30. Authorize negotiation and execution of an Interlocal Agreement for Close-Out and Post-Transition Services between the City and the Travis County Healthcare District (District) related to financial, employment and service issues following the transfer of the City's federally qualified health center (FQHC) designation and grant to the District, for a term of one year beginning on March 1, 2009, with options to renew the agreement for up to four additional one-year terms, in an amount not to exceed \$28,700. Related to Items #23, 27 & 28.
31. Approve an ordinance amending Chapter 2-1 of the City Code by repealing section 2-1-146 related to the Federally Qualified Health Center Board.

#### **Neighborhood Planning & Zoning**

32. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments (CAPCOG) in an amount not to exceed \$73,618. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Neighborhood Planning and Zoning Department.

#### **Police**

33. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin, Travis County and the City of Pflugerville to allow the City of Austin to accept and administer the Justice Assistance Grant Program (JAG) associated with the American Recovery and Reinvestment Act of 2009 on behalf of the City of Austin, the City of Pflugerville and the Travis County Sheriff's Office. Funding in the amount of \$1,937,577 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program. Related to item #34.
34. Approve an ordinance accepting \$1,937,577 in grant funds from the U.S. Department of

Justice, Bureau of Justice Assistance, Justice Assistance Grant Program; and amending the Fiscal Year 2008-2009 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$1,937,577 for grant expenditures with the following grant allocation under an Interlocal Agreement: City of Austin, \$1,422,729; Travis County, \$495,000; and City of Pflugerville, \$19,848. Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Grant Program, for the grant period March 1, 2009 to February 28, 2013. A cash match is not required. Related to Item #33.

### **Public Works**

35. Approve an ordinance authorizing the waiver of certain fees for the design and construction of a new segment of Howard Lane from Cameron Road (Harris Branch Parkway) to SH 130, an Accelerate Austin project, in an amount not to exceed \$261,670; and authorize negotiation and execution of an Interlocal Agreement between the City and Travis County for the design and construction of a new segment of Howard Lane from Cameron Road (Harris Branch Parkway) to SH 130, an Accelerate Austin project, in an amount not to exceed \$10,000,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department.

### **Purchasing Office**

36. Authorize award and execution of a contract with OXFORD AIRPORT TECHNICAL SERVICES, Elmont, NY for ball screw inspection, parts, and replacement services in an amount not to exceed \$307,233.60. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C if the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.
37. Authorize award and execution of two 24-month requirements supply contracts for the purchase of 3-phase pad-mounted transformers with PRIESTER-MELL & NICHOLSON, Austin, TX in an estimated amount not to exceed \$7,711,620, with three 12-month extension options in an estimated amount not to exceed \$3,855,810 per extension option, for a total estimated contract amount not to exceed \$19,279,050; and TECHLINE, Austin, TX in an estimated amount not to exceed \$996,220, with three 12-month extension options in an estimated amount not to exceed \$498,110 per extension option, for a total estimated contract amount not to exceed \$2,490,550. Funding in the amount of \$3,521,099 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 19 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of nine bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
38. Authorize award and execution of Amendment No. 1 to an Interlocal Agreement for business analysis and project management related training with THE UNIVERSITY OF TEXAS PROFESSIONAL DEVELOPMENT CENTER, Austin, TX, to increase the amount of the current contract term in an amount not to exceed \$32,600, for a revised total contract amount not to exceed \$107,600. Funding in the amount of \$3,680 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$7,360 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Water Utility. Funding in the amount of \$21,560 is available in the Fiscal Year 2008-2009 Operating Budget of Communications and Technology Management. Interlocal Agreement This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this contract.

39. Authorize award, negotiation, and execution of a 7-month requirements service contract with DOCTORS CENTER HEALTH SERVICES, Jacksonville, FL, for employee health and fitness services in an estimated amount not to exceed \$96,000, with two 12-month extension options in an estimated amount not to exceed \$161,800 for the first extension option, and \$190,400 for the second extension option, for a total estimated contract amount not to exceed \$448,200. Funding in the amount of \$30,300 is available in Fiscal Year 2008-2009 Operating Budget of the Employee Benefits Fund of the Human Resources Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
40. Authorize award and execution of a 12-month requirements supply contract with POWER SUPPLY, INC., Austin, TX for the purchase of motorized remote operated airswitches for Austin Energy in an estimated amount not to exceed \$1,135,500, with two 12-month extension options in an estimated amount not to exceed \$1,135,500 per extension option, for a total estimated contract amount not to exceed \$3,406,500. Funding in the amount of \$1,135,500 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of seven bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
41. Authorize award and execution of a 36-month requirements supply contract with FERGUSON WATERWORKS, Georgetown, TX for the purchase of fire hydrants for the Austin Water Utility in an estimated amount not to exceed \$1,119,132, with two 12-month extension options in an estimated amount not to exceed \$429,000 per extension option, for a total estimated contract amount not to exceed \$1,977,132. Funding in the amount of \$155,435 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining thirty-one months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
42. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with TRANE U.S., INC., Austin, TX, for the purchase and installation of unitary heat pumps for the Austin Water Utility in an amount not to exceed \$88,914.25. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this procurement. Recommended by the Water and Wastewater Commission.
43. Authorize award and execution of a 24-month requirements supply contract with WESTCOAST ROTOR, INC., Gardena, CA, for the purchase of Robbins and Myers progressive cavity pump repair parts in an estimated amount not to exceed \$200,000, with two 12-month extension options in an estimated amount not to exceed \$100,000 per extension option, for a total estimated contract amount not to exceed \$400,000. Funding in the amount of \$41,667 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the remaining 19 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business

Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

44. Authorize award and execution of a 12-month service contract with ADVANCED ENTERPRISES, INC., Dallas, TX for window washing services in an amount not to exceed \$55,040, with two 12-month extension options in an amount not to exceed \$55,040 per extension option, for a total contract amount not to exceed \$165,120. Funding in the amount of \$27,520 is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.
45. Authorize award and execution of a 36-month requirements supply contract with ENNIS PAINT, INC., Ennis, TX, for the purchase of roadway traffic-marking thermoplastic in an estimated amount not to exceed \$624,600, with three 12-month extension options in an estimated amount not to exceed \$208,200 per extension option, for a total estimated contract amount not to exceed \$1,249,200. Funding in the amount of \$86,750 is available in the Fiscal Year 2008-2009 Operating Budget of the Transportation Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
46. Authorize award and execution of a 36-month requirements service contract with CENTRAL TEXAS ENVIRONMENTAL SERVICES, INC., Austin, TX for hydromulch services in an estimated amount not to exceed \$705,000, with three 12-month extension options in an estimated amount not to exceed \$235,000 per extension option, for a total estimated contract amount not to exceed \$1,410,000. Funding in the amount of \$97,917 is available in the Fiscal Year 2008-2009 Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

## **Transportation**

47. Approve issuance of a street event permit for the Art City Austin Festival, a fee paid event sponsored by Art Alliance Austin which is to be held in the 100 through 900 blocks of West Cesar Chavez Street; the 100 blocks of Colorado Street, Guadalupe Street, Lavaca Street, and San Antonio Street; and the Drake Bridge (also known as the South 1st Street Bridge). The event is scheduled for April 25, 2009 from 10:00 a.m. to 6:00 p.m. and April 26, 2009 from 11:00 a.m. to 6:00 p.m.
48. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by East Yager Lane, Dessau Road, East Braker Lane, and North I.H. 35 East Frontage Road. Funding in the amount of \$7,370 is available in the Fiscal Year 2008-2009 Operating Budget of the Transportation Department for the installation of necessary signs.

### **Item(s) from Council**

49. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
50. Approve an ordinance: (1) waiving fees associated with an application for change of use from restaurant (general) to cocktail lounge for existing restaurants that are zoned CS-1, CBD, or DMU and that own or operate a lawfully permitted outdoor music venue; and (2) directing the City Manager to expedite permit review for all such applications. (Council Member Mike Martinez, Council Member Laura Morrison and Mayor Will Wynn)
51. Approve a resolution relating to the compensation and benefits for the City Clerk. Related to Item #66. (Mayor Will Wynn and Council Member Randi Shade )
52. Approve a resolution relating to the compensation and benefits for the Municipal Court Clerk. Related to Item #67. (Mayor Will Wynn and Council Member Randi Shade )
53. Approve a resolution to include the interests of families with children in the City's planning efforts by amending the Citywide Strategic Priorities and directing the city manager to address the perspectives of families with children in planning initiatives. (Council Member Laura Morrison and Mayor Will Wynn )
54. Approve a resolution directing the City Manager to exclude consideration of adjustments to the Capitol View Corridors from the scope of work for the Downtown Plan; and directing the City Manager to present the scope of work for the Downtown Plan to all relevant boards and commissions. (Council Member Laura Morrison, Council Member Lee Leffingwell and Council Member Randi Shade)
55. Approve an agreement between the City of Austin and the Old Pecan Street Association for the Old Pecan Street Festival, for a period of one year with an option to renew for one year, providing \$45,000 per year to assist with the cost of security for the Festival, and other terms and conditions. (Council Member Mike Martinez, Mayor Pro Tem Brewster McCracken and Council Member Sheryl Cole)
56. Approve the reimbursement of certain fees under City Code Chapter 14-8 for the Mighty Texas Dog Walk which was held on April 11, 2009. (Council Member Laura Morrison, Council Member Lee Leffingwell and Mayor Will Wynn)
57. Approve the payment of certain costs under City Code Chapter 14-7 for the 6th Annual Pre-Alvin Patterson Battle of the Bands & Drumline Competition Loyola Lane Parade which is to be held on June 19, 2009. (Council Member Sheryl Cole, Mayor Will Wynn and Council Member Mike Martinez)
58. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the Texas Peace Officer's Memorial Parade which is to be held on May 4, 2009. (Council Member Lee Leffingwell, Mayor Will Wynn and Council Member Mike Martinez)
59. Approve the waiver of certain fees and requirements for the University of Texas Elementary School Fiesta which is to be held on May 2, 2009 at the Cantu Pan American Center. (Council Member Mike Martinez, Council Member Randi Shade and Council Member Lee Leffingwell)

### **Item(s) to Set Public Hearing(s)**

60. Set a public hearing to consider an ordinance amending Chapter 25-8, Subchapter B, Article 1 of the City Code relating to protected and heritage trees. (Suggested date and time: May 14, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
61. Set a public hearing to consider an ordinance amending Section 25-2-1007 of the City Code relating to parking lot landscaping. (Suggested date and time: May 14, 2009, 6:00

p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.

62. Set a public hearing to consider an ordinance amending Chapter 25-2, Subchapter C , Article 9 of the City Code relating to planting of trees in residential subdivisions. (Suggested date and time: May 14, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
63. Set a public hearing to consider the use of approximately 33,456 square feet (0.77 acre) permanent drainage easement, approximately 4,452 square feet (0.102 acre) temporary staging area, approximately 1,373 square feet (0.03 acre) temporary access and approximately 3,070 square feet (0.07 acre) temporary workspace – Junction Box, to construct, use, maintain, repair, and replace a stormdrain line and appurtenances for construction of a portion of the Lady Bird Lake/East 4th Street Drainage Improvements (CIP ID 5789.028) through dedicated parkland known as Metz Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration, will be paid by requester. Recommended by the Parks and Recreation Board.

#### **12:00 PM -- Citizen Communications: General**

Yesenia Garcia - Green technology

Rae Nadler'Olenick - Water fluoridation

Lisa Hotchkiss - Harris Branch neighborhood

Ronnie Gjemre - Peace and freedom

Colin Clark - Water fluoridation

Linda Greene - Organic gardens versus fluoride

Ted Roan - At risk use pathways out of poverty

Richard Halpin - American Youthworks

Paul Robbins - City issues

Gus Pena - 1. To discuss City issues and the budget 2. Crime is on the increase, we need more officers on the streets 3. Please, if you can increase the funding for social service agencies, the poor, the needy and the have nots have increased. Poverty increases the need is greater 4. Please support our military veterans. They need jobs, affordable housing, health care, mental health treatment, reentry programs, RTS treatment; suicide rate is high among veterans 5. Please increase funding for youth summer job programs and senior citizen programs 6. Let's bring an equitable process in maintaining Morris Williams golf course

## **Executive Session**

64. Discuss legal issues related to property located at 328 Heartwood, concerning: appeal of site plan disapproval; pending code enforcement action; permitting issues; and a floodplain variance request. (Private Consultation with Attorney - Section 551.071). Related to Items #93 & 94.
65. Discuss legal issues related to the city council's authority and responsibilities regarding the position of Deputy City Clerk. (Private Consultation with Attorney - Section 551.071).
66. Evaluate the performance of and consider compensation and benefits for the City Clerk. (Personnel Matters - Section 551.074). Related to Item #51.
67. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Personnel Matters - Section 551.074). Related to Item #52.

## **2:00 PM -- Briefings**

68. Briefing on the proposed purchase of the City's new customer information and billing software system
69. Briefing on the Barton Springs Pool Tree Assessment

## **4:00 PM -- Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)**

70. NPA-2007-0012.02 - 1600 Block of East MLK (1600, 1602, 1604, and 1606 E. Martin Luther King Jr. Blvd.) - Approve third reading of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to neighborhood mixed use for the properties located at 1600, 1602, 1604, and 1606 E. Martin Luther King, Jr. Blvd. (Boggy Creek Watershed). First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay). Second Reading approved on January 15, 2009. Vote: 4-3 (Leffingwell, Martinez and Morrison voted Nay.) Applicant: E-MLK Properties LLC. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Kathleen Fox, 974-7877.
71. C14-2008-0099 - 1600 Block of East MLK - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600, 1602, 1604 and 1606 E. Martin Luther King Jr. Boulevard (Upper Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-central urban redevelopment-neighborhood plan (LR-MU-V-CO-CURE-NP) combining district zoning. First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay). Second Reading approved on January 15, 2009. Vote: 4-3 (Leffingwell, Martinez and Morrison voted Nay.) Applicant: E-MLK Properties, L.L.C. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

72. C14-2008-0204 - R. I. T. Inc. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6516 and 6520 South 1st Street (Williamson Creek Watershed) from limited office (LO) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First reading approved on March 26, 2009. Vote: 7-0. Applicant and Agent: R. I. T. Inc. (Roberto J. Reyna). City Staff: Wendy Rhoades, 974-7719.
73. C14-2008-0232 - Downstream 973 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 3026 South FM 973 Road (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning and rural residential (RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning with conditions. First reading approved on February 12, 2009. Vote: 7-0. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.
74. C14-2008-0235 - Downstream 973 - Mary Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3100 Mary Street (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. First reading approved on February 12, 2009. Vote: 7-0. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.
75. C14-2008-0248 - North Loop Pub - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 100 East North Loop Blvd. (Waller Creek Watershed) from community commercial-conditional overlay neighborhood plan (GR-CO-NP) combining district zoning to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. First reading approved on February 26, 2009. Vote 4-2 (Morrison and Shade voted Nay; Mayor Wynn off the dais.) Second reading approved on March 26, 2009. Vote: 7-0. Applicant: Terrell Timmerman. Agent: Vincent Gerard & Associates (Vince Huebinger). City Staff: Clark Patterson, 974-7691.

**4:00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

- 76 PH. C14-2008-0006 - Stubbs South - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 and 803 Red River (Waller Creek Watershed) from downtown mixed use (DMU) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal). Agent: Armburst & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.
- 77 PH. C14-2008-0007 - Stubbs North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 605, 607, and 611 East 9th Street; 811, 815, 817 and 819 Red River Street (Waller Creek Watershed) from general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and central business district-central urban redevelopment (CBD-CURE) combining district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Planning Commission Recommendation: To grant

central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. Applicant: Stubb's Austin Restaurant Company, L.C. (Jeff Waughtal.) Agent: Armbrust and Brown, L.L.P. (Richard Suttle, Jr.). City Staff: Wendy Rhoades, 974-3207.

- 78 PH. C14-2008-0183.SH - Lexington Parke - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North of Pearce Lane and East of SH 130 (Onion Creek Watershed) from development reserve (DR) district zoning and single-family residence-small lot (SF-4A) district zoning to community commercial (GR) district zoning for Tract 1 and multi-family residence-medium density (MF-3) district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and multi-family residence-medium density (MF-3) district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To be reviewed on May 5, 2009. Applicant: Lexington 281, L.P. (Mehrdad Moayedi. Agent: Kodiak Development (Brian Saathoff). City Staff: Wendy Rhoades, 974-7719.
- 79 PH. C14-2008-0247 - Buckets Deli - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2020 East Cesar Chavez Street (Town Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Staff Recommendation: To deny commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Applicant: Paul Rodriguez. Agent: Hajjar Sutherland & Kelly, L.L.P. (Kareem Hajjar). City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.
- 80 PH. C14-2009-0008 - Shoalmont Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Crestmont Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin (Lauraine Rizer). Agent: Neighborhood Planning and Zoning Department. City Staff: Clark Patterson, 974-7691.
- 81 PH. C14-2009-0009 - Capital Metropolitan Transportation Authority, NE Maintenance and Service Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5316 Ed Bluestein Blvd. (Walnut Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Applicant: Capital Metropolitan Transportation Authority (Robert Okamoto). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Joi Harden, 974-2122.
- 82 PH. C14-2009-0014 - Parkway Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5701 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning.

Applicant: Tract 107, LLC (William H. Armstrong III). Agent: Drenner & Golden Stuart Wolff (Michele Rogerson). City Staff: Wendy Rhoades, 974-7719.

- 83 PH. C14-83-003.25(DE) Six Two Story Condos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as FM 2222 Road (Dry Creek North Watershed) from townhouse and condominium residence (SF-6) district zoning to townhouse and condominium residence (SF-6) district zoning to change a condition of zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning to change a condition of zoning. Applicant: Booth Family Trust (David Booth). Agent: Armbrust & Brown (David Armbrust). City Staff: Clark Patterson, 974-7691.
- 84 PH. C14H-2009-0001 - McMillen-Falk House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4213 Avenue D (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Applicants: Douglas and Michelle Paris-White. City Staff: Steve Sadowsky, 974-6454.
- 85 PH. C14H-2009-0002 - Frank and Martha Jones House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 Willow Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Applicants: Stephen and Lauren Shallcross. City Staff: Steve Sadowsky, 974-6454.
- 86 PH. C14H-2009-0003 - Johnson-Haines House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1148 Northwestern Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence - historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: City of Austin and Sarah E. Harris. City Staff: Steve Sadowsky, 974-6454.
- 87 PH. C814-04-0055.02 - Mueller PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4550 Mueller Boulevard (Boggy/Tannehill Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Applicant: Catellus Development Group (MattWhalen). Agent: ROMA Austin (Jana McCann). City Staff: Clark Patterson, 974-7691.

- 88 PH. C814-06-0175.02 - East Avenue PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 SVRD SB (Boggy Creek and Waller Creek Watersheds) from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning to change a condition of zoning. Applicant: East Avenue IG, L.P. (Andy Sarwal). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.

### **5:30 PM -- Live Music**

Belleville Outfit

### **5:30 PM -- Proclamations**

### **6:00 PM -- Public Hearings and Possible Actions**

- 89 PH. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to allow Pet Services use as a permitted use in the Central Business District (CBD) base zoning district. Recommended by Planning Commission.
- 90 PH. Conduct a public hearing and consider an ordinance amending the Land Development Code, Chapter 25-10, to allow sidewalk signs in commercial areas of the City. Reviewed by the Codes and Ordinances Subcommittee of the Planning Commission on March 17, 2009. Recommended by the Planning Commission on April 14, 2009.
- 91 PH. Conduct a public hearing to receive citizen comments on a Substantial Amendment to the City's (1) Fiscal Years 2004-2009 Consolidated Plan; (2) Annual Action Plan for Fiscal Year 2008-2009, required by the U.S. Department of Housing and Urban Development (HUD); and to (3) the Texas Local Government Code Chapter 373, Community Development 2008-2009 Program. The Substantial Amendment allows the City of Austin to apply, receive, and administer additional grant funds made available to the City of Austin from the American Recovery and Reinvestment Act of 2009.
- 92 PH. Conduct a public hearing and consider an appeal by Helen and Charles Heard, Niyanta and Bill Spelman, and John Mayfield of an administrative site plan (SP-2007-0321C) for a proposed religious assembly/education building for the Hyde Park Baptist Church located at 3901 Speedway.
- 93 PH. Conduct a public hearing and consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan (328 Heartwood, SP-2008-0091D) for fill over 4 feet and construction of a retaining wall within the Critical Water Quality Zone of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #64 & 94.
- 94 PH. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and

100-year floodplains of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #64 & 93.

### **Adjourn**

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

 *For assistance please call 974-2210 OR 974-2445 TDD.*

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.

## 2009 Austin City Council Meeting Dates

### MEETINGS

January 15, 2009  
January 29, 2009  
February 12, 2009  
February 26, 2009  
March 5, 2009  
March 12, 2009  
March 26, 2009  
April 2, 2009  
April 23, 2009  
April 30, 2009  
May 14, 2009  
May 21, 2009  
June 11, 2009  
June 18, 2009  
July 23, 2009  
August 6, 2009  
August 20, 2009  
August 27, 2009  
September 14, 15 and 16, 2009  
(Budget Readings)  
September 24, 2009  
October 1, 2009  
October 15, 2009  
October 22, 2009  
November 5, 2009  
November 19, 2009  
December 10, 2009  
December 17, 2009

### CANCELLED DATES

January 1, 2009  
January 8, 2009  
January 22, 2009  
February 5, 2009  
February 19, 2009  
March 19, 2009  
April 9, 2009  
April 16, 2009  
May 7, 2009  
May 28, 2009  
June 4, 2009  
June 25, 2009  
July 2, 2009  
July 9, 2009  
July 16, 2009  
July 30, 2009  
August 13, 2009  
September 3, 2009  
September 10, 2009  
September 17, 2009  
October 8, 2009  
October 29, 2009  
November 12, 2009  
November 26, 2009  
December 3, 2009  
December 24, 2009  
December 31, 2009